

Introduced by Senator Huff

February 19, 2016

An act to amend Section 10248 of, to add Section 12511.6 to, and to repeal and add Section 9026.5 of, the Government Code, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

SB 1303, as introduced, Huff. Legislature: legislative proceedings: audiovisual recordings.

Existing law prohibits a television signal generated by the Assembly from being used for any political or commercial purpose, including, but not limited to, any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors. Existing law provides that a person or organization who violates this prohibition is guilty of a misdemeanor.

This bill would delete the prohibition described above and would instead authorize the televised or other audiovisual recordings of the public proceedings of each house of the Legislature and the committees thereof to be used for any legitimate purpose and without the imposition of any fee due to the State or any public agency or public corporation thereof.

Existing law requires the Legislative Counsel, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, to make certain information available to the public in electronic form, including, among other things, the text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill.

This bill would require the Legislative Counsel to also make available to the public in electronic form all audiovisual recordings of legislative

proceedings that have been cause to be made by the Legislature, as specified, and would require each recording to remain accessible to the public through the Internet and available for download for a minimum of 20 years following the date on which the recording was made, after which the recording would be required to be archived in a secure format.

Existing law provides that the Attorney General is the head of the Department of Justice and provides that the Attorney General has charge, as attorney, of all legal matters in which the state is interested, except as specified.

This bill would require the Attorney General to defend against any action challenging the validity of the California Legislative Transparency Act. If the Attorney General were to decline to do so, this bill would require the Attorney General to take any actions necessary or appropriate to preserve the state's standing to defend the act, and would require the Legislature to continue to comply with the act until the act is declared unconstitutional pursuant to a final judgment of an appellate court.

This bill would specify that it is contingent upon voter approval of the California Legislature Transparency Act at the November 8, 2016, statewide general election.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9026.5 of the Government Code is
2 repealed.

3 ~~9026.5. (a) No television signal generated by the Assembly~~
4 ~~shall be used for any political or commercial purpose, including,~~
5 ~~but not limited to, any campaign for elective public office or any~~
6 ~~campaign supporting or opposing a ballot proposition submitted~~
7 ~~to the electors.~~

8 ~~As used in this section, "commercial purpose" does not include~~
9 ~~either of the following:~~

10 ~~(1) The use of any television signal generated by the Assembly~~
11 ~~by an accredited news organization or any nonprofit organization~~
12 ~~for educational or public affairs programming.~~

13 ~~(2) As authorized by the Assembly, the transmission by a third~~
14 ~~party to paid subscribers of an unedited video feed of the television~~
15 ~~signal generated by the Assembly.~~

1 ~~(b) Any person or organization who violates this section is guilty~~
2 ~~of a misdemeanor.~~

3 SEC. 2. Section 9026.5 is added to the Government Code, to
4 read:

5 9026.5. (a) Televised or other audiovisual recordings of the
6 public proceedings of each house of the Legislature and the
7 committees thereof may be used for any legitimate purpose and
8 without the imposition of any fee due to the state or any public
9 agency or public corporation thereof.

10 (b) The Legislature's costs of complying with paragraph (2) of
11 subdivision (c) of Section 7, and paragraph (2) of subdivision (b)
12 of Section 8, of Article IV of the California Constitution shall be
13 included as part of the total aggregate expenditures allowed under
14 Section 7.5 of Article IV of the California Constitution.

15 SEC. 3. Section 10248 of the Government Code is amended
16 to read:

17 10248. (a) The Legislative Counsel shall, with the advice of
18 the Assembly Committee on Rules and the Senate Committee on
19 Rules, make all of the following information available to the public
20 in electronic form:

21 (1) The legislative calendar, the schedule of legislative
22 committee hearings, a list of matters pending on the floors of both
23 houses of the Legislature, and a list of the committees of the
24 Legislature and their members.

25 (2) The text of each bill introduced in each current legislative
26 session, including each amended, enrolled, and chaptered form of
27 each bill.

28 (3) The bill history of each bill introduced and amended in each
29 current legislative session.

30 (4) The bill status of each bill introduced and amended in each
31 current legislative session.

32 (5) All bill analyses prepared by legislative committees in
33 connection with each bill in each current legislative session.

34 (6) *All audiovisual recordings of legislative proceedings that*
35 *have been caused to be made by the Legislature in accordance*
36 *with paragraph (2) of subdivision (c) of Section 7 of Article IV of*
37 *the California Constitution. Each recording shall remain accessible*
38 *to the public through the Internet and available for download for*
39 *at least 20 years following the date that the recording is made and*
40 *thereafter shall be archived in a secure format.*

1 ~~(6)~~

2 (7) All vote information concerning each bill in each current
3 legislative session.

4 ~~(7)~~

5 (8) Any veto message concerning a bill in each current
6 legislative session.

7 ~~(8)~~

8 (9) The California Codes.

9 ~~(9)~~

10 (10) The California Constitution.

11 ~~(10)~~

12 (11) All statutes enacted on or after January 1, 1993.

13 (b) The information identified in subdivision (a) shall be made
14 available to the public by means of access by way of the largest
15 nonproprietary, nonprofit cooperative public computer network.
16 The information shall be made available in one or more formats
17 and by one or more means in order to provide the greatest feasible
18 access to the general public in this state. Any person who accesses
19 the information may access all or any part of the information. The
20 information may also be made available by any other means of
21 access that would facilitate public access to the information. The
22 information that is maintained in the legislative information system
23 that is operated and maintained by the Legislative Counsel shall
24 be made available in the shortest feasible time after the information
25 is available in the information system. The information that is not
26 maintained in the information system shall be made available in
27 the shortest feasible time after it is available to the Legislative
28 Counsel.

29 (c) Any documentation that describes the electronic digital
30 formats of the information identified in subdivision (a) and is
31 available to the public shall be made available by means of access
32 by way of the computer network specified in subdivision (b).

33 (d) Personal information concerning a person who accesses the
34 information may be maintained only for the purpose of providing
35 service to the person.

36 (e) No fee or other charge may be imposed by the Legislative
37 Counsel as a condition of accessing the information that is
38 accessible by way of the computer network specified in subdivision
39 (b).

1 (f) The electronic public access provided by way of the computer
2 network specified in subdivision (b) shall be in addition to other
3 electronic or print distribution of the information.

4 (g) No action taken pursuant to this section shall be deemed to
5 alter or relinquish any copyright or other proprietary interest or
6 entitlement of the State of California relating to any of the
7 information made available pursuant to this section.

8 SEC. 4. Section 12511.6 is added to the Government Code, to
9 read:

10 12511.6. (a) If an action is brought challenging, in whole or
11 in part, the validity of the California Legislature Transparency
12 Act, all of the following shall apply:

13 (1) The Legislature shall continue to comply with the act unless
14 the act is declared unconstitutional pursuant to a final judgment
15 of an appellate court.

16 (2) Except as set forth in paragraph (3), the Attorney General
17 shall defend against any action challenging, in whole or in part,
18 the validity of the act. The Attorney General shall have an
19 unconditional right to intervene in any action addressing the
20 validity of the act.

21 (3) If the Attorney General declines to defend the validity of
22 the act in any action, the Attorney General shall nonetheless file
23 an appeal from, or seek review of, any judgment of a court that
24 determines the act is invalid, in whole or in part, if necessary or
25 appropriate to preserve the state's standing to defend the law in
26 conformity with the Attorney General's constitutional duty to see
27 that the laws of the state are adequately enforced.

28 (4) The official proponents of the act have an unconditional
29 right to participate, either as interveners or real parties in interest,
30 in any action affecting the validity or interpretation of the act. If
31 the Governor and Attorney General have declined to defend the
32 validity of the act, the official proponents are also authorized to
33 act on the state's behalf in asserting the state's interest in the
34 validity of the act in any such action and to appeal from any
35 judgment invalidating the act.

36 (b) Nothing in this section precludes other public officials from
37 asserting the state's interest in the validity of the California
38 Legislature Transparency Act.

39 SEC. 5. Sections 9026.5 and 12511.6 of the Government Code,
40 as added by this act, and Section 10248 of the Government Code,

1 as amended by this act, shall not be amended except upon approval
2 of the voters, except that the Legislature may amend paragraph
3 (6) of subdivision (a) of Section 10248 of the Government Code
4 to extend the time that recordings shall remain accessible to the
5 public through the Internet and downloadable by passing a statute
6 by a rollcall vote entered in the journal, a majority of the
7 membership of each house concurring.
8 SEC. 6. This act shall become operative only if Senate
9 Constitutional Amendment No. 10 of the 2015–16 Regular Session
10 is approved by the voters at the November 8, 2016, statewide
11 general election.